REMARKS/ARGUMENTS

Claims 1 through 3, 10, 11, 34 through 36, 43 and 44 stand rejected as anticipated by Halkyard (U.S. Patent No. 5,683,205 A). The rejection is respectfully traversed. With respect to Claims 34 through 36, 43 and 44, cancellation of those claims moots the rejection. As to Claims 1 through 3, Claim 1, the only independent claim remaining for consideration has been amended to recite that the upset portion and the centralizer are wholly received in the receptacle and that the pipe, the upset portion and the centralizer are freely, axially moveable relative to and within the receptacle. No such structure is shown or suggested in Halkyard.

Anticipation requires that each and every element and limitation of the claimed invention be found in a single prior art reference, *Karsten Manufacturing Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001). By that well established principle, Claim 1 is not anticipated by Halkyard.

As now amended, Claim 1 recites that the upset portion and the centralizer are wholly received in the receptacle and that the pipe, the upset portion and the centralizer are freely, axially moveable relative to and within the receptacle. Support for the limitation regarding axial movement can be found on page 16, lines 12-22. To begin with, it is clear that the upset portion of Halkyard indicated at 72 is not wholly received in the receptacle 68. Indeed, a substantial portion extends axially out of the receptacle. Furthermore, as taught in column 3, lines 28-45, the pipe, the upset and the centralizer are not freely, axially moveable relative to the receptacle. Indeed, it is probably a fair characterization that once positioned, the centralizer 74 is not moveable at all relative to receptacle 68. As taught in the cited lines, tensioned pipe portion 62 effectively prevents

any movement of the pipe in the receptacle. In this regard it is to be noted, as shown at 70, that end 68a of sleeve member 68 is provided with external threads which are threaded to tensioned end portion 62 and that there is a shoulder 66 which, when the pipe portion is connected to the receptacle 68, in conjunction with the engaged threads prevents any axial movement of the pipe in receptacle 68.

Furthermore as has been previously pointed out, Applicant's centralizer is heat shrink mounted on and in rigid gripping engagement with the upset portion on the pipe. With respect to such construction, Applicant incorporates by reference the remarks regarding "heat shrink fitted" or "heat shrink mounted" set forth in the Preliminary Amendment filed with the Request for Continued Examination. As pointed out by Applicant in that Preliminary Amendment, and contrary to the Examiner's earlier positions, it cannot be argued (a) that heat shrink fitted is not a structural limitation and (b) that heat shrink fitted is the same as a threaded connection. In case (a) the connection between the parts is designed to be permanent while in connection (b) the connection between the parts is designed to be releasable simply by unthreading the two pieces. Applicant would again point out that the Examiner's earlier remarks to the effect that Applicant's centralizer and upset portion can be disengaged by force having a magnitude sufficient to overcome the engagement, is equally applicable to a solid piece of bar stock in the sense that if it is put in sufficient tension the piece of bar stock will be pulled apart. Applicant respectfully submits that that position simply is unreasonable. It is respectfully submitted that Claims 1-12 are patentable over Halkyard.

Claims 1, 2, 3, 10, 11, 18 through 20, 29, 32, 33 through 36, 43 and 44 stand rejected under 35 USC 102(e) as being anticipated by Finn et al. (U.S. Patent 6,648,074).

This rejection is likewise respectfully traversed. As to Claims 13-44, the rejection has been mooted by cancellation of those claims. With respect to independent Claim 1, Applicant would again point out that anticipation requires that each and every claimed element and limitation of the claim be found in a single prior art reference. As in the case of the Halkyard reference, that situation is lacking vis-à-vis the Finn reference. Vis-à-vis the limitations in Claim 1, Finn does not disclose a metallic centralizer heat shrink mounted on and in rigid gripping engagement with the upset portion of the metallic pipe. Nor does Finn disclose that the pipe and the upset portion or a monolithic structure.

Figs. 9, 10 and 11 of Finn all identify the pipe (shaft) with the reference character 86. Further, all of Figs. 9, 10 and 11 of Finn identify what the Examiner has referred to the upset as 92. Thus, since the reference numerals are the same, the structure of the shaft 86 and the alleged upset 92 are the same. In column 10, lines 39, it is stated:

> "Shaft 86 is made up of a pair of tapered pipe sections 90 having flanges 92 on one end. Flanges 92 are joined together end-to-end."

With reference to Fig. 9, it can be seen that flanges 92 are connected by nut bolt combinations not identified but which are clearly designed to connect flanges 92 together. Referring to Fig. 10, the same nut bolt combination is shown as connecting flanges 92 together. In Fig. 11 on which the Examiner relies, no such bolt nut combination is shown, but as stated in column 11, line 17-20 with reference to Fig. 11:

> "Keel joint 106 is similar in many respects to keel joint 98 of Fig. 10. However, keel joint 106 has a more compact

> sleeve 108 that fits closely around flanges 92 of pipe sections 90."

Thus, in Figs. 9, 10 and 11, the shaft 86 is comprised of two pieces each of which has a flange 92, the flanges 92 obviously being connected to one another by typical nut bolt combination as is commonly used in connecting end-to-end flanges on adjoining pipe sections. Thus, since there are two pipe (shaft) sections, each having a flange, the two flanges being connected together by a nut/bolt combination, there is absolutely no way that the shaft 86 having adjoining sections and the flanges 92 can be characterized as a "the pipe and upset being a monolithic structure." This is further borne out by the fact that if one views Fig. 11, the cross hatching of flanges 92 is significantly different from the cross hatching of the shaft sections 86. If in fact the alleged upset 92 and the shaft section 86 were monolithic the cross hatching would be identical. The Examiner had earlier referred Applicant to the MPEP regarding establishing, with regard to the Halkyard reference, that the metal centralizer 74 was metallic. In like manner, Applicant would respectfully refer the Examiner to the MPEP and more specifically 37 CFR 1.84(3) and (4). Paragraph 3 of Section 1.84 states

> "The various parts of a cross-section of the same item should be hatched in the same manner and should accurately and graphically indicate the nature of the material(s) that is illustrated in cross-section."

Thus, since the cross hatching of 92 and 86 is different, those are two separate parts. Furthermore, as stated in paragraph 4 of Section 1.84

> "The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts."

As noted above, in Figs. 9, 10 and 11 the reference character 86 is used with respect to the shaft while the reference character 92 is used with respect to the flange (alleged upset). Thus, as per 37 CFR 1.84, 92 and 86 are not the same part. While the Examiner might argue that a part having a reference character designation can contain an additional reference character designation to show a specific portion of that part, a position with which Applicant agrees, it is clear from the description and the drawings that in this case that is simply not applicable since the specification describes shaft 86 as being made up of a pair of pipe sections 90 having flanges 92 on one end, the flanges 92 being joined together end-to-end (see column 10, lines 39-42). There is absolutely no way from reading the description in the specification and looking at drawings 9, 10 and 11 that one could conclude that the flanges 92 and shaft 86 are a monolithic piece. The drawings and the description belie that fact. Thus, Finn does not disclose or suggest a metallic pipe having an upset, the pipe and the upset being a monolithic structure. Since that is a clear limitation in Applicant's Claim 1, Claim 1 is not anticipated.

Furthermore, Finn does not suggest or teach a centralizer heat shrink mounted on and in rigid gripping engagement with the upset portion of the metallic pipe. The ball wear insert 94, present in Figs. 9, 10 and 11 to which the Examiner refers as a metallic centralizer is not heat shrink mounted on the upset portion assuming *arguendo* the flanges 92 can even be characterized as an upset portion. It is significant that in column

10, lines 44-45, it is stated that the ball wear insert 94 is attached to the outer circumferential surface of flanges 92. However, the ball wear inserts are attached, they clearly are not heat shrink mounted since there is absolutely no suggestion of that in the drawings or in the specification. It is respectfully submitted that Claim 1 and hence claims dependent thereon are neither anticipated by or otherwise rendered unpatentable by Finn.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-12 are in condition for allowance which is hereby earnestly solicited and respectfully requested.

Respectfully submitted,

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